MONTANA LEGISLATIVE HISTORY

Chapter 114 19 65

Bill H _____ S 84 Original bill & history ____C

H. Committee on Judiciary			S. Committee on State Admin.		
Hearing Date(s)	Feb 15	✓ C	Hearing Date(s)	Jan 25	✓ C
	Feb 17	✓ C		_____	____C
	_____	____C		_____	____C
	_____	____C		_____	____C
Date Out	_____	____C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

January 25, 1965

A meeting of the committee of State Administration was held in Room 401, January 25, 1965, at 2:45 P.M. Roll call was taken and a quorum was present.

Senate Bill #69 was placed before the committee for its consideration by Chairman Nixon. Its sponsors, Senator Davis and Senator Harris, explained the purpose of the bill and Senator Harris further stated it was the wishes of the Montana Medical Association that the bill be passed.

Senate Bill No. 88 was presented by Chairman Nixon to the Committee for its consideration. The bill's sponsor, Senator Thiessen of Richland County, explained the bill to the committee. The bill has the backing of the Montana Association of CPA. Proponents appearing were Mrs. Ann Kindred, Montana Society of CPA; Wm. L. Schmidt, President-elect of the Montana Society of CPA.

Opponents appearing were Keith Anderson and Keith Williams of the Montana Taxpayers Association. They were opposing the bill because the accountants would not have a uniform procedure to follow in the auditing of the books of the various school districts and would have no procedure to follow in filing copies of the audit with the Examiner's office, county attorney, etc.

In response both Mr. Schmidt and Mrs. Kindred said they would be very agreeable to having the bill amended so there would be a procedure manual and provisions providing for copies of the audit to be given to interested parties.

Proponents and opponents were then excused.

Senate Bill No. 84 was placed before the committee by Chairman Nixon. Senator Dussault, sponsor of the bill appeared before the committee. A proponent, John Risken, Attorney at Law, Helena, also appeared. They were then excused by the Chairman.

Senate Bill No. 69 was placed in a subcommittee composed of Senators Beley and Beck who will look into the financial situation and also to check the name change to see if there should be a repealing clause.

Senator James moved that Senate Bill No. 88 be placed in a subcommittee to study a book of guidelines amendment and further amendments as suggested. The motion was seconded by Senator Mackay and carried. The subcommittee appointed was Senator Hibbard and Senator Nees.

Senator Hibbard moved that Senate Bill No. 84 Do Pass and the motion was seconded by Senator Mackay. Motion carried.

There being no further business, Beley made a motion to adjourn. Seconded by Senator Nees and motion carried.

CHAIRMAN

JUDICIARY COMMITTEE
February 15, 1965

The Judiciary Committee met Monday, February 15, 1965 at 9:00 a.m. in the Committee Room. On Roll Call, all members were present, except Representatives Deschamps, Sullivan, McNamer, and MacCalman.

SENATE BILL No. 95 was the first bill under discussion - Disqualification of judges in civil actions. Mr. Felt made a motion that this bill BE NOT CONCURRED IN. Mr. O'Hair seconded. The motion carried.

SENATE BILL 96 = Disqualification of district judges in criminal proceedings. Mr. Felt made a motion that this bill BE NOT CONCURRED IN. The motion carried. However, it was the concensus of the committee that this should be held for a day until it could be discussed with the authors.

SENATE BILL 49 - The 1965 Bond Validating Act. Motion was made by Mr. Felt that this bill BE CONCURRED IN. Motion carried.

SENATE BILL 59 - Exemptions from inheritance tax and totally exempt transfer. Representative Jensen suggested that the committee should check with the Board of Equalization, and moved as such. The committee agreed this should be done. Mr. Felt made the motion that this bill BE NOT CONCURRED IN, "subject to a check". The motion carried.

SENATE BILL 84 - Increase Court Reporter salaries. Mr. Gilfeather moved that this bill be set for Wednesday.

SENATE BILL 71 - Mr. Gilfeather made a motion that this bill BE CONCURRED IN. Mr. Prevost seconded. The motion carried. This bill deals with Removal of 70 year maximum age from juror qualifications.

Mr. Gilfeather made a motion that any bills scheduled for hearings be listed for Wednesday and Thursday. It was agreed upon by the committee.

SENATE BILL 199 - releasing liens on real property for inheritance tax. Mr. Hall made a motion that this bill BE CONCURRED IN. Mr. Jensen seconded. Motion carried.

SENATE BILL No. 227 - Restoration to capacity of declared insane judicial determination. It was agreed to advise Senator Mahoney the committee would discuss this bill with him on Wednesday, February 17.

SENATE BILL 181 - Inheritance rights of adopted children. Senator Turnage has been asked to discuss this bill on Wednesday, February 17th.

SENATE BILL 198 - Providing for limitations on liens for inheritance tax. Mr. Felt made the motion that this bill BE CONCURRED IN. Mr. Hall seconded. The motion carried.

SENATE BILL 97. Mr. Felt made the motion that the following amendment be made: Eliminate the following in the title of the bill: "and providing an effective date." And also, to "strike Section 3". And as amended BE CONCURRED IN. The motion carried.

JUDICIARY COMMITTEE
February 17, 1965

The Judiciary Committee met Wednesday, February 17, 1965 at 9:00 in the Committee Room, with Chairman Sheehy presiding. Upon Roll Call, all members were present except Representatives Deschamps, Jensen, Felt, McNamer; and Representative Nefzger, who was excused.

SENATE BILL 181, with regard to inheritance rights of adopted children. Senator Jean Turnage appeared to speak on this bill.

SENATE BILL 84 was the next bill under discussion - Increasing court report salaries. Senator Dussault, co-sponsor appeared to explain his bill. Also appearing as proponents were:

Mrs. Mary Pearson, court reporter from Butte
Mrs. Virginia Taylor " " Great Falls
Mr. Frank Rice " " Butte
Mr. John Risken, Helena lawyer representing the Montana Association of Court Reporters.

Senator Dussault brought out the fact that there is no school in Montana for training court reporters, and he found in his area that they have become a training ground, and he felt if the salaries were increased, perhaps good court reporters would come to Montana and stay. The question of the average National salary was brought up -- Senator Dussault stated it was around $10,000.

Mr. Risken stated he certainly concurred in everything Senator Dussault said. The other witnesses appearing stated they concurred with Senator Dussault. Mr. Rice added that Montana had lost tremendously talented reporters due to the low salaries.

SENATE BILL 115 - P.E.R.S. death benefits. Mr. John Sasek, secretary of the Public Employees Retirement System, appeared on this bill. He explained the various changes recommended in the present bill.

SENATE BILLS 95 and 96, which were considered on February 15th, were again brought up. Both of these bills had been voted upon. Senator Turnage and Dussault were both co-sponsors of these bills, so the committee members discussed the bills with the Senators. After they were dismissed the bills were discussed by the committee.

Regarding SENATE BILL 95 - Mr. Gilfeather, having voted on the prevailing side, made a motion that this bill be reconsidered and leave in committee, pending a satisfactory amendment from the Senate. This motion carried.

SENATE BILL 96 - Mr. Hall, having voted on the prevailing side, previously, made a motion to reconsider House bill 96, and that it be CONCURRED IN. The motion carried.

SENATE BILL 181 was the next bill for discussion by the committee- this bill was mentioned previously. Mr. Gilfeather made a motion that this bill BE CONCURRED IN. Mr. Hall seconded. The motion carried.

SENATE BILL 115 - for discussion by the committee - Mr. Hall made the motion that this bill BE CONCURRED IN. Mr. MacCalman seconded. The motion carried.

SENATE BILL 84 - Mr. Hall moved that this bill BE CONCURRED IN. The motion carried.

SENATE BILL 227. - Restoration to capacity of declared insane judicial determination. The committee discussed this, and it was the concensus of the committee that perhaps Senator Mahoney should speak on this.

Chairman Sheehy advised SENATE BILL 202 and 213 would be considered Friday morning.

No further business, the meeting adjourned. The next meeting is Friday morning, February 19th, at 8:00 a. m..

John C. Sheehy, Chairman

CHAPTER 114

An Act Amending Section 93-1906, R. C. M. 1947, Increasing the Annual Salaries of Court Reporters From Six Thousand Six Hundred Dollars ($6,600.00) to Seven Thousand Eight Hundred Dollars ($7,800.00).

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 93-1906, R. C. M. 1947, is amended to read as follows:

Salary and expenses of reporter —apportionment.

"93-1906. **Salary and expenses of reporter—apportionment.** Every reporter appointed under the provisions of this chapter receives an annual salary of *seven thousand eight hundred dollars ($7,800.00)* and no other compensation except as provided in section 93-1904, provided, however, that all transcripts and bills of exceptions required by the county shall be furnished without cost, payable in monthly installments out of the general funds of the counties comprising the district for which he is appointed, according and in proportion to the number of civil and criminal actions entered and commenced in the district courts of such counties respectively in the preceding year; and it shall be the duty of the judge of such district, on the first day of January of each year, or as soon thereafter as may be, to apportion the amount of such salary to be paid by each county in his district on the basis aforesaid. The reporter is allowed, in addition to the salary and fees above provided, in judicial districts comprising more than one (1) county, his actual and necessary expenses of transportation and living when he goes on official business to a county of his judicial district other than the county in which he resides, from the time he leaves his place of residence until he returns thereto, said expenses to be apportioned and payable in the same way as the salary."

$7,800.00.

Exception.

Additional allowance.

Approved March 1, 1965.

CHAPTER 115

An Act Requiring That Seat Belts be Installed in All Automobiles Manufactured or Assembled Commencing With the 1966 Models; Directing the Highway Patrol Supervisor to Establish Specifications and Requirements for Approved Types of Safety Belts and Attachments; and Providing a Penalty.

Be it enacted by the Legislative Assembly of the State of Montana:

Requirement that seat belts be installed in automobiles manufactured, commencing with the 1966 models.

Section 1. It is unlawful for any person to buy, sell, lease, trade or transfer from or to Montana residents at retail an automobile, which is manufactured or assembled commencing with the 1966 models, unless such vehicle is equipped with safety belts installed for use in the left front and right front seats thereof, and no such vehicle shall be operated in this state unless such belts remain installed.

Highway patrol supervisor to approve installation.

Section 2. All such safety belts must be of a type and must be installed in a manner approved by the highway patrol supervisor. The highway patrol supervisor shall establish specifications and requirements for approved types of safety belts and attachments thereto. The highway patrol supervisor will accept, as approved, all seat belt installations and the belt and anchor meeting the society of automotive engineers' specifications.

Violation—penalty.

Section 3. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed one hundred dollars ($100.00).

Approved March 1, 1965.

CHAPTER 116

An Act to Amend Section 93-1301, R. C. M. 1947, by Removing the Maximum Age of Seventy Years From the Qualifications of Persons Otherwise Competent to Act as Jurors; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 93-1301, R. C. M. 1947, be amended to read as follows:

Competent to act as juror —who.

"93-1301. **Who competent to act as juror.** A person is competent to act as a juror if:

1. A citizen of the United States of the age of twenty-one years, who shall have been a resident of the state one